

**Date:** April 7, 2016

**To:** Thomas J. Bonfield – City Manager  
**Through:** W. Bowman Ferguson – Deputy City Manager  
**From:** Marvin G. Williams – Director of Public Works  
**Subject:** Award of Contract – Debris Removal Monitoring Services

### **Executive Summary**

On December 4, 2015, the City of Durham's Department of Public Works (DPW) received responses to its Request for Proposals (RFP) from qualified individuals and/or firms for disaster management, recovery, and consulting services to support the oversight and management of debris recovery contractors as a part of disaster recovery services after major weather events that may impact the City of Durham (City). Based on a review of qualifications of responding firms, recent activations for similar contracts and technical approach to responding to an event that may impact the City; staff has identified Tetra Tech, Inc. (Tetra Tech) as the selected firm to provide these services. Estimates for debris amounts within the City were based on the United States Army Corps of Engineer (USACE) debris modeling program. Based on preliminary debris estimates for a Category 1 hurricane, and the estimated number of hours that would be needed for monitoring services, Tetra Tech has submitted an initial price of \$1,071,120.00. Funding for this contract will be needed at the time it is activated; prior to activation there is no cost tied to this contract.

### **Recommendation**

The Administration recommends that the City Council:

1. Authorize the City Manager to execute a contract for Debris Removal Monitoring Services with Tetra Tech, Inc. at the initial estimated amount of \$1,071,120.00; and,
2. Authorize the City Manager to negotiate change orders to this contract as needed to provide debris removal monitoring services during federally declared emergency weather events or during disasters that cause damage that is beyond the City's internal response and recovery capacity.

The total cost of this contract will be variable and will be determined by each individual weather event that impacts the City, if/when the contract is activated and which items are used from the contract.

### **Background**

The Federal Emergency Management Agency's (FEMA) Public Assistance (PA) Grant Program has been developed to provide assistance to State, Tribal and local governments (and certain types of Private Nonprofit organizations) so that communities can quickly respond to and recover from major disasters or emergencies declared by the President. Through the PA program, FEMA provides supplemental Federal disaster grant assistance for debris removal, emergency protective measures, and the repair, replacement, or restoration of disaster-damaged, publicly owned facilities and the facilities of certain Private Non-Profit (PNP) organizations. The PA Program also encourages applicants to the PA grant program to monitor debris removal operations and document eligible quantities and reasonable expenses to ensure that the work is eligible for funding. Monitoring debris removal operations requires the PA applicant's comprehensive observation and documentation of debris removal work performed

from the point of debris collection to final disposal. Monitoring debris removal work involves constant observation of crews to ensure that contractors are performing eligible work in accordance with PA guidelines and all applicable Federal, State, and local regulations. Failure to properly monitor debris removal operations may jeopardize PA funding. Reasonable costs for contracted debris monitoring services, and costs for temporary monitors hired by the grantee or subgrantee, are eligible for FEMA reimbursement. The grantee to the PA program (in our case the State of North Carolina would be the grantee) would submit for reimbursement of these costs on behalf of all subgrantees to this program (City).

In order to receive funding from this program, eligible participants must utilize the competitive and/or sealed bid/proposal process to receive prices for debris removal monitoring services from qualified contractors. The current debris removal monitoring contract for the City was last bid in 2010 and that contract is set to expire in December 2016. The DPW issued a new revised RFP for debris removal monitoring services in late 2015 in compliance with the most up to date PA Grant Program requirements.

The primary purpose of the contract is to support the oversight and management of debris removal contractors as a part of disaster recovery services after major weather events that may impact the City. Other services may include, but are not limited to, facilitating communication with FEMA, the State of North Carolina, and other State and Federal agencies.

In response to the advertisement, staff received competitive bids/proposals from qualified firms to provide the labor, tools, equipment and other resources necessary to perform debris removal and management services. A total of two (2) bids/proposals were received by the DPW for provision of services outlined below and requested by the DPW (to support the oversight and management of debris recovery contractors as a part of disaster recovery services after major weather events that may impact the City). Estimates for debris amounts within the City were based on the United States Army Corps of Engineer (USACE) debris modeling program. Based on this estimate the DPW then estimated the number of project hours that may be needed to perform debris removal monitoring services for a category 1 hurricane (195,000 cubic yards). Bids submitted from two contractors ranged from \$1,071,120 to 1,104,450; with Tetra Tech submitting a bid of \$1,071,120.00.

Staff has reviewed the technical approaches and fee schedules submitted by each firm and verified their past performance with other agencies who have recently utilized their services. Based on the submitted bids/proposals, the references provided by each company, the technical approach that each company has submitted to support a disaster impacting the City and the pricing information provided; the Administration recommends that the City Council authorize the City Manager to execute a contract for debris removal monitoring services with Tetra Tech, Inc.

### **Issues and Analysis**

The City has previously advertised and awarded a contract for debris removal monitoring services in 2010 to Tetra Tech, Inc. To date, this contract has never been activated and no funding has been utilized to support this contract. The prior debris removal monitoring services contract will expire on December 2016. The DPW issued a new revised RFP for debris removal monitoring services in late 2015, in compliance with the most up to date PA Grant Program requirements.

In order to remain eligible for reimbursement through the State of North Carolina from the PA Grant Program that is administered by FEMA, the City must procure the services of a contractor for debris removal monitoring services:

- Though a full and open competitive bid process;
- Conduct all necessary steps to ensure the use of minority businesses, women's business enterprises, and labor surplus area firms when possible;
- Exclude contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals from competing for such procurements to ensure objective contractor performance and eliminate unfair competitive advantage; and
- Maintain records sufficient to detail the history of the procurement.

### **Alternatives**

The Council can choose not to award a contract for debris removal monitoring services. This would require the City to identify and utilize City staff to perform monitoring services that are not currently trained in PA Grant project requirements and may not properly follow PA Grant procedures. In addition, the DPW does not currently have the ability to provide, perform and/or manage:

- Debris loading sites and debris verification towers during debris removal operations,
- Documentation as necessary to substantiate PA grant funding,
- Data compilation of load tickets and field debris monitoring reports to verify eligible work and costs invoiced by the debris removal contractors,
- Training of debris monitors on debris removal operations, debris monitoring and documentation processes, and FEMA eligibility,
- Use or access to an electronic load ticket system or automated debris monitoring system to document debris quantities and eligibility.

### **Financial Impact**

This RFP has no financial impact to the DPW or the City unless the contract is activated during federally declared emergency weather events or during disasters that cause damage that is beyond the City's internal response and recovery capacity. The total cost of this contract will be variable and will be determined by each individual weather event that impacts the City, if/when the contract is activated and which items are used from the contract

### **SDBE Requirements**

No MSDBE or WSDBE goals were set for this RFP.

### **Attachments**

Draft Contract and Scope of Work